

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MARY JONES and JOSEPH ALFORD,

Plaintiffs,

V.

**HOUSTON COUNTY SHERIFF'S
DEPARTMENT, et al.,**

Defendants.

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CIVIL ACTION NO.: 1:06-cv-585-WHA

MOTION TO DISMISS OR IN THE ALTERNATIVE
FOR SUMMARY JUDGMENT

COMES NOW, Sheriff Lamar Glover, individually and in his official capacity as Sheriff of Houston County and the Houston County Sheriff's Department, Defendants in the above-styled cause, pursuant to Rule 12 of the Federal Rules of Civil Procedure and move this Honorable Court to dismiss this action for failure to state a claim upon which relief can be granted. In the alternative, said Defendants move this Honorable Court for an Order under Rule 56, of the Federal Rules of Civil Procedure, dismissing Plaintiff's claims against said Defendants and as grounds therefor assert that there is no genuine issue of material fact and that said Defendants are entitled to judgment as a matter of law. In support hereof said Defendants submit the following:

1. Plaintiff's complaint as filed in this cause.

2. The Affidavit of Lamar Glover as attached to this Motion as Exhibit 1, which is incorporated herein by reference as if fully set forth.
3. The BRIEF OF SHERIFF LAMAR GLOVER AND HOUSTON COUNTY SHERIFF'S DEPARTMENT, IN SUPPORT OF THEIR MOTION TO DISMISS OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT filed simultaneously herewith.

WHEREFORE, said Defendants respectfully move this Honorable Court for an order pursuant to either Rule 12 or Rule 56 of the Federal Rules of Civil Procedure, dismissing Plaintiff's claims against said Defendants.

Respectfully submitted this the 17th day of November, 2006.

s/Gary C. Sherrer

Gary C. Sherrer

Bar Number: SHE016

Attorney for Defendants

Lamar Glover, individually and in his official capacity
as Sheriff of Houston County and the Houston County
Sheriff's Department

OF COUNSEL

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CERTIFICATE OF SERVICE

I, Gary C. Sherrer, hereby certify that on this 17th day of November, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Richard H. Ramsey, IV, Esq.
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Dothan, Alabama 36302

Michael Guy Holton, Esq.
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s/Gary C. Sherrer
OF COUNSEL